

# **EXHIBIT 5**

**VIA FEDERAL EXPRESS**

December 16, 2016

Michael Brown  
Acting Director  
Office of Defects Investigation  
National Highway Traffic Safety Administration  
1200 New Jersey Ave., S.E.  
Washington, DC 20590

Re: EA16-003

Dear Mr. Brown:

BMW of North America, LLC, on behalf of BMW AG Munich, Germany ("BMW"), is responding to NHTSA's November 10, 2016 Information Request in the matter referenced above.

As instructed, we have repeated each question and provided our responses accordingly. Information contained in our response is current as of the date of this response.

Should you have any questions pertaining to the attached information, please contact me at (201) 571-5360 or Martin Rapaport of my staff at (201) 571-5208.

Sincerely,



**Company**  
BMW of North America, LLC

BMW Group Company

**Mailing address**  
PO Box 1227  
Westwood, NJ  
07675-1227

**Office address**  
200 Chestnut Ridge Road  
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07677-7731

**CD No. 1**

**Sam Campbell**  
Department Head  
Safety Engineering and Intelligent Transportation Systems

**Attachments:**

**Telephone**  
(201) 307-4000

S. Yukevich, NHTSA, Office of Defects Investigation (Letter only)

**Fax**  
(201) 571-5479

**Website**  
bmwusa.com

**BMW Response  
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1. **State, by model and model year, the number of subject vehicles equipped with the subject component BMW has manufactured, from June 2000 up to the date of this letter, for sale or lease in the United States. Separately, for each subject vehicle equipped with the subject component manufactured by BMW, from June 2000 up to the date of this letter, state the following:**
  - a. **Vehicle identification number (VIN);**
  - b. **Make;**
  - c. **Model;**
  - d. **Model Year;**
  - e. **Subject component part number and design version installed as original equipment;**
  - f. **Driver air bag (DAB) or Passenger air bag (PAB;**
  - g. **Date of manufacture;**
  - h. **Date warranty coverage commenced;**
  - i. **The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).**

**Describe in detail the process BMW used to determine the subject vehicle population equipped with the subject component, including why BMW believes the process was thorough and comprehensive. Provide the table in Microsoft Access 2010, or a compatible format, entitled “PRODUCTION DATA.”**

Response:

The source of this information is our vehicle production database and is current as of December 16, 2016.

BMW reviewed its technical development and engineering information, supplier purchase contracts, and vehicle production records, to determine the subject vehicle population equipped with the subject component. BMW believes this process was thorough and comprehensive because the aforementioned information and records are those that would contain the information requested.

The number of subject vehicles equipped with the subject component BMW has manufactured, from June 2000 up through November 2016, for sale or lease in the United States by Model and Model Year is contained in Table 1.

<b>Model</b>	<b>Model Year</b>	<b>US Production Volume</b>
BMW i3	2014 – 2017	23,971
BMW X1 SAV	2016 – 2017	28,495
BMW X5 SAV	2014 – 2017	148,590
BMW X6 SAV	2015 – 2017	13,620
MINI Cooper 2-Door	2014 – 2017	49,541
MINI Cooper 4-Door	2015 – 2017	26,882
MINI Cooper Convertible	2016 – 2017	4,155
MINI Cooper Clubman	2016 – 2017	11,235

**Table 1.**

Attachment “PRODUCTION-DATA” on CD No. 1 contains the requested information.

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**2. State the number of each of the following, received by BMW, or of which BMW is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles (i.e., any allegation of an ARC manufactured inflator rupture occurring in a BMW vehicle regardless of the position the inflator is used in):**

- a. Consumer complaints, including those from fleet operators;**
- b. Field reports, including dealer field reports;**
- c. Reports involving a crash, injury, or fatality;**
- d. Property damage claims;**
- e. Third-party arbitration proceedings where BMW is or was a party to the arbitration; and,**
- f. Lawsuits, both pending and closed, in which BMW is or was a defendant or codefendant.**

For subparts “a” through “f” state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items “c” through “f,” provide a summary description of the alleged problem and causal and contributing factors and BMW’s assessment of the problem, with a summary of the significant underlying facts and evidence. For item “f,” identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

Response:

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of December 16, 2016.

BMW does not have applicable information in response to Request No. 2.

**3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:**

- a. BMW’s file number or other identifier used;**
- b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);**
- c. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;**
- d. Vehicle’s VIN;**
- e. Vehicle’s make, model and model year;**
- f. Vehicle’s mileage at time of incident;**
- g. Incident date;**
- h. Report or claim date;**
- i. Air bag position (driver, passenger, knee, etc.);**
- j. Whether a crash is alleged;**
- k. Whether property damage is alleged;**
- l. Number of alleged injuries, if any; and**

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**m. Number of alleged fatalities, if any.**

**Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA."**

**Response:**

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of December 16, 2016.

BMW does not have applicable information in response to Request No. 3.

**4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method BMW used for organizing the documents. Describe in detail the search methods and search criteria used by BMW to identify the items in response to Request No. 2.**

**Response:**

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of December 16, 2016.

BMW does not have applicable information in response to Request No. 4.

**5. For all air bag modules purchased by BMW for installation in BMW's passenger vehicles, identify all testing conducted (e.g., Lot Acceptance Testing, Conformance of Production, or other incoming/production part testing) to ensure conformance to design and performance requirements and/or quality control standards for BMW air bag modules.**

**Response:**

On December 8, 2016, BMW contacted NHTSA to clarify the information requested. NHTSA stated that they had already received this information directly from BMW's suppliers and therefore, BMW was not required to provide the same information. NHTSA stated that if BMW performed similar testing, then that information would need to be provided. BMW has not performed similar testing and therefore, no information exists that would be available to provide to NHTSA.

**6. For the testing identified in Request 5, describe the applicable test procedures and list each incident where a rupture of the air bag inflator was determined to be the cause of, or a contributing factor to the air bag module failing to meet the test requirements. Limit the response for this request to those incidents occurring from calendar year 2010 up to the date of this letter. For each incident include the following information in a tabular format:**

- a. Air bag module position (driver, passenger, knee, etc.);**
- b. Air bag module manufacturer;**

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- c. Inflator manufacturer;**
- d. Test being conducted at the time of failure;**
- e. Failure mechanism and mode; and,**
- f. Root cause of failure, if known;**

**Response:**

On December 8, 2016, BMW contacted NHTSA to clarify the information requested. NHTSA stated that they had already received this information directly from BMW's suppliers, if any such information existed, and therefore, BMW was not required to provide the same information, if any such information existed. NHTSA stated that if BMW performed similar testing, and if any such applicable information existed, then that information would need to be provided. BMW has not performed similar testing and therefore, no information exists that would be available to provide to NHTSA.